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C O N F I D E N T I A L SECTION 1 OF 5 SANTIAGO 4005

C O R R E C T E D C O P Y (TEXT PARA 1)

ARA FOR DEPUTY ASSISTANT SECRETARY BRUSHNELL

E.O. 11652: GDS
TAGS: SHUM, PINS, PINT, CI
SUBJECT: OVERVIEW OF HUMAN RIGHTS IN CHILE: FIRST THIRD OF 1978

1. SUMMARY: THIS IS THE FIRST OF A SERIES OF PERIODIC
REPORTS HIGHLIGHTING MAJOR EVENTS AND TRENDS IN HUMAN RIGHTS
OBSERVANCE IN CHILE, WITH SPECIAL EMPHASIS ON THE RIGHTS OF
THE PERSON AND POLITICAL FREEDOMS. MORE HAS HAPPENED DURING
THIS FOUR-MONTH PERIOD THAN DURING ANY COMPARABLE PERIOD
SINCE 1974. AT THIS TIME IT IS FAIR TO SAY THAT SYSTEMATIC,
INSTITUTIONALIZED, WIDESPREAD, GROSS VIOLATIONS OF THE RIGHTS
OF THE PERSON NO LONGER EXIST IN CHILE. PROLONGED DETENTION
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WITHOUT CHARGE IS A THING OF THE PAST; TECHNICALLY ILLEGAL
DETENTIONS STILL OCCUR ON OCCASION BUT AT LEAST THBMAARRESTS
ARE SOON ACKNOWLEDGED; SOME MISTREATMENT AND TORTURE MAY STILL
OCCUR, BUT RARELY. A CONTROVERSIAL AMNESTY DECLARED
IN MID-APRIL, WHILE EXCJUIING THE CRIMES OF SECURITY
AGENTS, HAS ALSO SET A TONE OF NATIONAL RECONCILIATION.
LARGE NUMBERS OF POLITICAL PRISONERS HAVE BEEN RELEASED

AND THE SPIRIT OF THE AMNESTY HAS BEEN USED TO CLEAR AWAY SEVERAL VERY STICKY ASYLUM CASES. IN EARLY 1978 SOME TWO HUNDRED PEOPLE WERE IN JAIL EITHER SERVING SENTENCES OR AWAITING TRIAL FOR NATIONAL SECURITY CRIMES; FOUR HUNDRED OTHERS WERE EITHER OUT ON PAROLE OR BAIL. THERE ARE NOW PERHAPS 60 PERSONS IN JAIL EITHER PENDING TRIAL OR CONVICTED OF POSSIBLY POLITICALLY-RELATED CRIMES BY CIVILIAN JUDICIARY. LACK OF INSTITUTIONAL SAFEGUARDS AND AMPLE RESIDUAL EMERGENCY AUTHORITY KEE KEEP THE LID ON DRAMATIC IMPROVEMENT IN THE AREA OF POLITICAL FREEDOMS, BUT, AS FEARS OF PHYSICAL REPRESSION DIMINSHEES, MORE DISSENTERS ARE WILLING TO CHALLENGE THE GOC. THE ANNOUNCEMENT OF AN ACCELERATED SCHEDULE FOR UNVEILING A NEW CONSTITUTION, TOGETHER WITH THE IMPROVED PRACTICE IN THE BASIC RIGHTS FIELD, HAVE CREATED HOPES ON THE PART OF MANY CHILEANS THAT SIGNIFICANT LIBERALIZATION IS NOT DISTANT. END SUMMARY.

2. INTRODUCTION: THE ABSENCE OF BILATERAL ECONOMIC AND MILITARY ASSISTANCE TO THE CHILEAN GOVERNMENT VACATES THE REQUIREMENT FOR AN ANNUAL HUMAN RIGHTS SCORECARD FOR PRESENTATION TO THE CONGRESS. FROM TIME TO TIME, HOWEVER, THE EMBASSY WILL SUBMIT AN OVERVIEW OF HUMAN RIGHTS DEVELOPMENTS IN CHILE FOR BACKGRUND USE IN DETERMINING IMPROVEMENT OR RETROGRESSION. FOR ANALYTICAL PURPOSES, THIS PAPER MAKES THE SOMEWHAT ARTIFICIAL DISTINCTION BETWEEN RIGHTS OF THE PERSON AND POLITICAL FREEDOMS, CONFIDENTIAL

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DISCUSSING MAJOR GOC POLICY INITIATIVES AND ACTUAL PRACTICE IN EACH CATEGORY. THERE IS ALSO A BRIEF DISCUSSION OF THE LABOR PICTURE. THIS MESSAGE DOES NOT ADDRESS THE SOCIO-ECONOMIC EQUITY ASPECT OF HUMAN RIGHTS. THE MOST RECENT EMBASSY ASSESSMENTS WERE 77 SANTIAGO A-126; A16 (LAND REFORM); AND A-27 (COST OF LIVING INDICES). A COMPREHENSIVE ANALYSIS FROM AN ECONOMIC PERSPECTIVE IS AN THE EARLY PREPARATORY STAGE AND SHOULD BE SUBMITTED AROUND THE END OF JUNE.

3. RIGHTS OF THE PERSON: REDUCTION IN EMERGENCY POWER: THE JUNTA, HAVING FAILED TO RENEW THE STATE OF SIEGE, ALLOWED IT TO LAPSE MARCH 11. BY EXECUTIVE ORDER, PRESIDENT PINOCHET EXTENDED FOR AN ADDITIONAL SIX MONTHS THE STATE OF EMERGENCY WHICH HAD CO-EXISTED WITH THE STATE OF SIEGE. ALTHOUGH THE GOC RETAINED AMPLE EXTRAORDINARY AUTHORITY, TERMINATION OF THE STATE OF SIEGE HAD IMPORTANT, PRACTICAL AS WELL AS PSYCHOLOGICAL, EFFECTS. THE PRESIDENT LOST HIS POWER TO:

- DEPRIVE CHILEANS OF NATIONALITY;
- DETAIN THEM INDEFINITELY WITHOUT CHARGE;
- RUSTICATE THEM (DEFINED BELOW);

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C O N F I D E N T I A L SECTION 2 OF 5 SANTIAGO 4005

ARA FOR DEPUTY ASSISTANT SECRETARY BUSHNELL

-- HAVE THEM TRIED BY TIME-OF-WAR MILITARY COURTS
(INDEED, IN MOST CASES, INTERNAL SECURITY CRIMES --
ALTHOUGH INITIALLY INVESTIGATED BY MILITARY COURTS --
ARE NOW TURNED OVER TO THE CIVILIAN COURTS FOR TRIAL).

4. IN FACT, FEW CHILEANS HAD BEEN STRIPPED OF NATIONALITY;
ORLANDO LETELIER WAS ONE OF THE NINE AFFECTED. FURTHER-
MORE, SINCE THE RELEASE OF JORGE MONTES IN MID-1977, THE
GOC HAD NOT AVAILED ITSELF OF THE STATE OF SIEGE POWER TO
HOLD PEOPLE IN PROLONGED DETENTION WITHOUT CHARGE. AS
THINGS NOW STAND, THE AUTHORITIES HAVE UP TO TEN DAYS TO
INTERROGATE A PERSON BEFORE HE MUST BE ARRAIGNED OR RE-
LEASED; THE PRESIDENT CAN ORDER UP TO AN ADDITIONAL FIVE
DAYS DETENTION WITHOUT CHARGE. THE EFFECTIVENESS OF
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RUSTICATION (THE EXECUTIVE'S AUTHORITY TO SEND PEOPLE TO A PARTICULAR PLACE FAR FROM THEIR NORMAL RESIDENCE) WAS SEVERELY LIMITED BY A CIVILIAN COURT DECISION IN JANUARY WHICH RULED THAT THE GOC COULD SEND PEOPLE TO A DESIGNATED PROVINCE BUT NOT TO A SPECIFIC PLACE WITHIN THAT PROVINCE. AS A RESULT, A DOZEN CHRISTIAN DEMOCRATS BANISHED TO INHOSPITABLE PLACES IN THE ALTIPLANO MOVED DOWN TO RELATIVE COMFORT IN THE PORT CITY OF ARICA.

5. ONE SIGNIFICANT CHANGE: NO COURTS-MARTIAL USING THE STRICT TIME-OF-WAR PROCEDURES WERE INITIATED AFTER THE STATE OF SIEGE ENDED. MOREOVER, IN RECENT CASES INVOLVING PAMPHLETEERING AND EVEN IN ONE CASE INVOLVING A BOMBING THE MILITARY JUSTICE SYSTEM HAS CONDUCTED THE PRE-LIMINARY INVESTIGATIONS BUT THEN HAS REMANDED THE CASES TO THE CIVILIAN COURTS FOR TRIAL. IN A NUMBER OF CASES, THE CIVILIAN COURTS HAVE DROPPED THE CASE FOR "LACK OF MERIT"; IN A FEW THEY HAVE FORMALLY CHARGED THE INDIVIDUAL. WHILE THIS PROCEDURE DOES NOT PREVENT ILLEGAL DETENTIONS NOR HARSH INTERROGATIONS, IT PROVIDES SOME ASSURANCES THAT PERSONS ILLEGALLY APPREHENDED OR QUESTIONED WILL NOT BE HELD FOR TRIAL ONCE THE CASE GETS BEFORE THE CIVILIAN COURTS.

6. THE AMNESTY: DECREE LAW 2191 OF APRIL 18 PROVIDED FOR A SWEEPING AMNESTY. UNLIKE PREVIOUS CHILEAN AMNESTIES, THIS ONE COVERED MANY REGULAR CRIMES AS WELL AS THOSE OF A STRICTLY POLITICAL NATURE. ITS COMPLICATED CONSTRUCTION EXCLUDED FROM THE AMNESTY THOSE CONVICTED OR BEING TRIED FOR CRIMES BY CIVILIAN COURTS AND THOSE WHO HAD COMMITTED CERTAIN SPECIFIED COMMON CRIMES (DRUNK DRIVING, KILLING PARENTS OR CHILDREN, TAX EVASION, OTHER ECONOMIC CRIMES). VERY SPECIFICALLY, IT EXCLUDES THOSE FOUND GUILTY OF CRIMES

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BEING INVESTIGATED BY A MILITARY COURT EXPLORING "THE ABUSES OF OFFICIAL CHILAN PASSPORTS" (THE LOCAL LETELIER INVESTIGATION). THOSE BENEFITTING FROM THE AMNESTY INCLUDED ANYONE CONVICTED BY A MILITARY COURT BETWEEN THE COUP AND APRIL 19, AND THOSE RESPONSIBLE FOR CRIMES, OTHER THAN THOSE SPECIFIED ABOVE, WHICH OCCURRED DURING THE STATE OF SIEGE.

7. DIRECT BENEFICIARIES: THE IMMEDIATE BENEFICIARIES INCLUDED SOME THREE HUNDRED PEOPLE SERVING PRISON SENTENCES IMPOSED BY MILITARY COURTS (ABOUT 100) OR ON PAROLE, AS WELL AS MORE THAN 1,000 WHOSE PRISON SENTENCES HAD BEEN COMMUTED TO EXILE ABROAD. OBVIOUSLY THE MEASURE ALSO APPLIES TO MEMBERS OF THE SECURITY SERVICES WHO COMMITTED SUCH CRIMES AS MURDER, TORTURE, ILLEGAL

ARRESTS, ETC.

8. INDIRECT EFFECTS: THE GOC HAS APPARENTLY MOVED QUICKLY TO DISPOSE OF CASES PENDING BEFORE MILITARY COURTS AT THE TIME OF THE AMNESTY. ALTHOUGH NOT DIRECTLY BENEFITTED, A NUMBER OF HIGH-VISIBILITY CASES HAVE BEEN ADJUDICATED. THROUGH SOME JURIDICAL LEGERDEMAIN, EVEN THE NOTORIOUS MAROTTA BAND (SEE PARA 13 FOR FURTHER DETAILS) HAVE BEEN RELEASED FROM PRISON AND EXPELLED FROM CHILE. ACCORDING TO ICEM, APPROXIMATELY 60 PEOPLE REMAIN IN JAIL AS OF MID-MAY; SOME STILL HAVE CASES PENDING, OTHERS WERE TRIED AND CONVICTED BY CIVILIAN COURTS FOR WHAT ARE ALLEGED TO BE POLITICAL CRIMES. FOR COMPARISON, PRIOR TO THE AMNESTY, AT LEAST TWO HUNDRED PEOPLE WERE IN JAIL, PENDING TRIAL OR SERVING SENTENCE. SOME FOUR HUNDRED OTHERS WERE OUT ON PAROLE OR BAIL.

9. ANOTHER GROUP TO BENEFIT INDIRECTLY FROM THE AMNESTY HAVE BEEN THOSE REMAINING IN ASYLUM IN LOCAL EMBASSIES.

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C O N F I D E N T I A L SECTION 3 OF 5 SANTIAGO 4005

ARA FOR DEPUTY ASSISTANT SECRETARY BUSHNELL

THESE INCLUDE A MILITARY DESERTER WHO RESIDED WITH

THE VENEZUELAN'S SINCE 1975 AS WELL AS A MORE RECENT ARRIVAL, SOCIALIST JAIME TRONCOSO VALDEZ, HIS WIFE AND INFANT SON. AND TWO YEARS, FOUR MONTHS AND TWO DAYS AFTER SEEKING SANCTUARY IN THE ITALIAN EMBASSY, RAFAEL GONZALEZ VERDUGO, HIS WIFE AND AMERICAN-BORN SON DEPARTED SANTIAGO FOR MADRID ON MAY 15. TO OUR KNOWLEDGE THIS LEAVE ONLY ONE ASYLEE IN THE COLOMBIAN EMBASSY. ALTHOUGH THE GOC HAS NO OBJECTION TO HIS DEPARTURE, THE COLOMBIANS ARE NOT SURE THAT HE IS REALLY A LEGITIMATE ASYLEE.

10. ITS LIMITATIONS: IN CHILE, CONFUSION ABOUT THE RAMIFICATIONS OF HER LEGISLATION IS NORMAL. IN THIS CASE, ANNOUNCEMENTS BY GOVERNMENT OFFICIALS FOLLOWING THE AMNESTY
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COMPOUNDED IT. CONTRARY TO INITIAL EXPECTATIONS AMONG THE EXILE COMMUNITY, THE AMNESTY DID NOT PROVIDE FOR QUASI-AUTOMATIC RETURN TO CHILE. THE PROVISIONS OF DECREE LAWS 81 AND 604 STILL APPLY. THESE LAWS GIVE THE GOC DISCRETIONARY AUTHORITY TO READMIT PEOPLE WHO LEFT THE COUNTRY "IRREGULARLY" (DL 81), TO EXPEL THOSE THE GOVERNMENT THINKS THREATEN THE SECURITY OF THE STATE (DL 81), AND TO BAR THE RETURN OF THOSE WHO, WHILE ABROAD, WORKED AGAINST THE GOC (DL 604). WHILE ANNOUNCING THAT PROMINENT PDCER BERNARDO LEIGHTON WOULD BE PERMITTED TO RETURN (PRIOR TO THE AMNESTY PDC IDEOLOGUE JAIME CASTILLO HAD BEEN LET BACK IN), THE GOC LISTED SOME 31 OTHERS, WHO HAD APPLIED FOR READMISSION, WHO WOULD NOT. INCLUDED AMONG THE LATTER WERE SOCIALIST ANICETO RODRIGUEZ AND 77 YEAR OLD COMMUNIST CESAR GODOY, AS WELL AS SEVERAL OTHER PROMINENT OPPOSITION FIGURES. ON BALANCE, HOWEVER, THE GOC SEEMS PREPARED TO APPROVE MORE PETITIONS THAN IT REJECTS.

11. A SECOND PROBLEM HAS DEVELOPED WITH RESPECT TO INVESTIGATIONS INTO THE DISAPPEARANCE OF SOME SIX HUNDRED PEOPLE SINCE THE COUP. SEVERAL CIVIL COURTS APPEAR TO HAVE PERMANENTLY CLOSED A HANDFUL OF PENDING INVESTIGATIONS ON THE GROUNDS THAT THE AMNESTY ELIMINATED ANY CRIMINAL ELEMENT IN THE CASE, AND, WITH IT, THE JURISDICTION OF THE COURT. THE RELATIVES OF THE MISSING ARE PREPARING LEGAL AND MORAL DEFENSES, ARGUING IN PART THAT ABDUCTION IS A CONTINUING CRIME (I.E. THAT THE AMNESTY DOES NOT APPLY SINCE THE VICTIM WAS STILL MISSING AFTER MARCH 11) AND, BACKED BY SANTIAGO CATHOLIC VICARS, THAT THE GOVERNMENT AND COURTS HAVE ACCEPTED THE OBLIGATION TO CLARIFY TO NEXT-OF-KIN WHAT HAPPENED.

12. RIGHTS OF THE PERSON: IMPROVED PRACTICES...
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GENERALLY: IN STEP WITH THE FOREGOING LEGAL MEASURES HAS BEEN A GENERAL IMPROVEMENT IN THE BEHAVIOR OF THE SECURITY SERVICES, PRINCIPALLY, OF COURSE, THE NATIONAL INFORMATION CENTER (CNI). GENERAL MENA APPEARS TO HAVE CONSOLIDATED HIS CONTROL OVER THIS MAJOR SECURITY APPARATUS DURING THE EARLY MONTHS OF 1978. HE REPORTEDLY PRUNED ITS RANKS OF A SIGNIFICANT NUMBER OF OPERATIVES, INCLUDING CIVILIANS FROM "PATRIA Y LIBERTAD" AND MANY MILITARY CRONIES OF GENERAL MANUEL CONTRERAS. SUCH STEPS HAVE NOT COMPLETELY ELIMINATED CNI'S EXCESSES NOR ITS OCCASIONAL ILLEGAL OPERATION, BUT THEY HAVE GONE A LONG WAY IN THAT DIRECTION. THE TURNOVER OF DINA AGENT MICHAEL TOWNLEY TO U.S. AUTHORITIES HAS ALSO REPORTEDLY HAD A SOBERING EFFECT ON SECURITY AGENTS, SINCE THEY CAN NO LONGER COUNT ON GOC PROTECTION FROM ILLEGAL ACTIVITIES.

13. THE MOST VOTARIOUS CNI OPERATION DURING THE RECENT PERIOD INVOLVES THE BRUTAL METHODS USED TO ROLL-UP A MOVEMENT OF THE REVOLUTIONARY LEFT (MIR) NETWORK LED BY HORACIO MAROTTA. IN OPERATIONS IN VINA DEL MAR AND SANTIAGO, THE GOC ARRESTED SCORES OF PEOPLE IN CONNECTION WITH THIS CASE. SOME APPARENTLY DIED IN UNCLEAR CIRCUMSTANCES WHILE ALLEGEDLY RESISTING ARREST (OCTAVIO RIVEROS) SEE SANTIAGO 369 AND GERMAN CORTEZ SEE SANTIAGO 441); THE ONE NEAR-DISAPPEARANCE CASE SO FAR IN 1978 (SANTIAGO 2212) WAS ALSO RELATED (THE WOMAN INVOLVED EVENTUALLY WAS DUMPED OVER THE NORTHERN BORDER AND, AFTER A BRIEF STAY IN LIMA, WENT ON TO CUBA). THOSE DETAINED IN CONNECTION WITH THE CASE HAVE REPORTED SERIOUS INCIDENTS OF TORTURE AND OTHER ABUSE.

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C O N F I D E N T I A L SECTION 4 OF 5 SANTIAGO 4005

ARA FOR DEPUTY ASSISTANT SECRETARY BUSHNELL

AS USUAL, IT IS DIFFICULT TO SUBSTANTIATE SUCH CHARGES, PARTICULARLY FROM MIR MEMBERS WHOSE RELIABILITY CAN BE QUESTIONED AND WHOSE MOTIVES IN ATTACKING THE GOVERNMENT ARE WELL KNOWN. NONETHELESS, THE FEROCITY WITH WHICH CNI HAS GONE AFTER THIS NET AND THE INTENSITY AND COMMITMENT OF THESE MIRISTAS LEADS US TO BELIEVE THAT SOME TORTURE OCCURRED. AS NOTED (PARA 8 ABOVE), MAROTTA AND THE OTHER MEMBERS OF THE GROUP HAVE BEEN SENT INTO EXILE.

14. CNI AND OTHER AGENCIES, INCLUDING THE PLAINCLOTHED POLICE ("INVESTIGACIONES") AND THE UNIFORMED CARABINEROS, HAVE BEEN ACTIVE IN DETAINING GROUPS OF PEOPLE ALLEGEDLY CAUSING PUBLIC DISORDER. THESE INCLUDE A NUMBER BRIEFLY ARESTED FOR ILLEGAL POLITICAL ACTIVITY AT THE TIME OF THE CONFIDENTIAL

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JANUARY 4 PLEBISCITE AND SOME SIX HUNDRED PICKED UP DURING THE UNAUTHORIZED MAY DAY CELEBRATION (SEE POLITICAL FREEDOMS SECTION BELOW). ON THE OTHER HAND, WE ALSO REPORTED THE HUMOROUS INCIDENT AS A LOCAL PRECINCT STATION WHEN A CARABINERO SUPERVISOR, HAVING RELEASED A GROUP OF RELATIVES OF THE DISAPPEARED, CHASED AWAY A SQUAD OF CNI AGENTS WHO HAD COME TO INTERROGATE THE WOMEN. ON BALANCE, THE SECURITY SERVICES HAVE BEEN FORCEFUL BUT NOT BRUTAL IN CONTROLLING UNAPPROVED PUBLIC DEMONSTRATIONS.

15. CNI AND OTHER AGENCIES CONTINUE TO PICK UP PEOPLE FOR SPREADING ANTI-GOVERNMENT PROPAGANDA. SOME HAVE BEEN HELD FOR SEVERAL DAYS WITHOUT NOTIFICATION TO NEXT-OF-KIN (ONE SUCH CASE IN FEBRUARY APPARENTLY INVOLVED THE NEPHEW OF COLONEL SERGIO BADIOLA, CHIEF OF THE GOC'S DIRECTORATE OF CIVIC ORGANIZATIONS; THE YOUTH REAPPEARED SHORTLY AFTER BADIOALA BECAME INVOLVED).

16. A RESIDUAL LEFTIST THREAT?: AUTHORITIES DETAINED AT

LEAST ONE PERSON IN CONNECTION WITH A SERIES OF BOMBINGS WHICH OCCURRED AROUND MAY DAY. AFTER THE EVIDENCE WAS HEAD, THE CULPRIT WAS FORMALLY CHARGED BY CIVILIAN COURTS. TWO DEMOLITION EXPERTS WERE INJURED WHILE DISMANTLING ONE BOMB. OBSERVERS OF THE INTERNAL SECURITY FIELD HAD BECOME SO JADED BY DINA'S REPEATED NOISE BOMBINGS THAT THERE WAS INITIAL RELUCTANCE (EVEN EMONG CARABINERO OFFICERS) TO ASCRIBE THE RECENT SPATE TO THE LEFT. THERE IS EVIDENCE, HOWEVER, THAT VIOLENCE-PRONE LEFT SPLINTER GROUPDS CONTINUE TO EXIST AND, SPECIFICALLY, THAT THE MIR WAS RESPONSIBLE FOR AT LEAST THREE BOMBINGS. A DEVELOPING LEFTIST TERRORIST THREAT CANNOT BE WRITTEN OFF, PARTICULARLY AS OFFICIAL REPRESSION EASES. BUT THERE IS NO EVIDENCE TO INDICATE THAT THE DECIMATED LEFT HAS ANY SIGNIFICANT CAPABILITY AT THIS
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TIME.

17. POLITICAL FREEDOMS: PREDICTABLY, AS FEARS OF PHYSICAL INJURY FOR DISSENT RECEDED, THE GOC FOUND ITSELF FACED WITH SMALL GROUPS PREPARED TO CHALLENGE THE AUTHORITY TO PREVENT GATHERINGS. DURING THE WHIRLWIND "CAMPAIGN" BEFORE THE JANUARY 4 PLEBISCITE, A NUMBER OF CHRISTIAN DEMOCRATS (MAINLY THE YOUTH GROUP LED BY GULLERMO UNGE), AFTER STAGING DEMONSTRATIONS ON MAJOR DOWNTOWN STREETS PAID FORCED VISITS TO STATION HOUSES. THE GOVERNMENT'S DECISION TO BANISH TO REMOTE HIGHLAND WAYSTATIONS YUNGE AND ELEVEN OTHER CHRISTIAN DEMOCRTATS FOUND MEETING IN HIS OFFICE JANUARY 12 CAUSED A DOMESTIC AND INTERNATIONAL STIR. A COURT DECISION THEN PULLED THE STING FROM RUSTICATION (SEE PARA 4). EVENTUALLY, THE SANCTION WAS ELIMINATED WITH THE END OF THE STATE OF SIEGE. SIMILARLY, THE END OF THE STATE OF SIEGE TOOK AWAY THE NATIONAL SECURITY JUSTFICATION FOR THE NIGHTLY CURFEW. IT WAS RETAINED DE FACTOR UNDER THE GUISE OF AN ECONOMIC MEASURE TO CONSERVE FUEL. NON-MOTORIZED TRAFFIC WAS SOON EXEMPT. (LOCAL CARTOONISTS HAVE HAD A FIELD DAY SHOWING PARTY-GOERS TRAVELING ON HORSEBACK AND ROLLER-SKATES). CURFEW WAS NEXT DROPPED WITHOUT QUALIFICATION ON SATURDAY NIGHTS AND BEFORE HOLIDAYS. IT IS PRESUMABLY ONLY A MATTER OF TIME BEFORE THE GOC REMOVES THIS REMAINING IRRITANT.

18. ANOTHER MEASURE OF THE CHANGING ENVIRONMENT APPEARS IN THE MORE DARING MEDIA. ALTHOUGH THE GOC HAS NOT MOVED TO WITHDRAW OR REPEAL THE LOCAL ZONE COMMANDERS' ORDERS ("BANDOS") REGARDING CENSORSHIP AS HAD BEEN ESPENCTED BY MANY IN MID-MARCH AND EARLY APRIL, IT IS CLEAR THAT THE MEDIA HAS OPENED FOR PUBLIC DEBATE MORE AND MORE OF THE ONCE VERBOTEN POLITICAL QUESTIONS. MOST IMPORTANT IN THIS REGARD WAS PRESS COVERAGE OF THE EXCITING POLIT-

ICALLY-LOADED REVELATIONS SURROUNDING THE INVESTIGATION
INTO THE LETELIER/MOFFITT MURDERS. THE MEDIA BY AND
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LARGE STILL EXERCISE A DEGREE OF PRUDENCE WHICH EQUATES
TO SELF-CENSORSHIP BUT LESS SO THAN BEFORE. ECONOMIC AND
LICENSING PRESSURES ARE STILL INHIBITING FACTORS, HOWEVER.
CRITICAL VOICES SUCH AS RADIO COOPERATIVA FOUGHT A LOSING REAR GUARD
ACTION TO RETAIN ITS LICENSES TO TRANSMIT IN SIX URBAN AREAS.

19. THE GOC HAS CONTINUED ITS PRESSURES ON THE DEMOCRATIC
TRADE UNION GROUP KNOWN AS THE "DINAMICOS" OR "GROUP OF TEN".
TWO MEMBERS WERE FORCED OUT OF THEIR UNION POSITIONS DURING
THE PERIOD AND ANOTHER -- EDUARDO RIOS -- WAS HANGING ON BY
A JURIDICAL THREAD AS THIS REPORT WAS PREPARED. THE GOVERNMENT'S
EFFORTS TO HAMPER THE "DINAMICOS" AND A LARGELY
COMMUNIST-INSPIRED "GROUP OF SEVEN" LED IT TO REFUSE PER-
MISSION FOR A MAJOR RALLY ON MAY DAY. POLICE ROUNDED UP
SIX HUNDRED PEOPLE WHO APPEARED IN SPITE OF THE GOVERNMENT
PROHIBITION; ALL WERE QUICKLY RELEASED, SOME COMPLAINING

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ARA FOR DEPUTY ASSISTANT SECRETARY BUSHNELL

OF ROUGH TREATMENT (SANTIAGO 3261 AND 3299). THE GOVERNMENT ASSERTS THAT THE "DINAMICOS" ARE MERELY DISGRUNTLED LABOR POLITICIANS WORKING AS STALKING HORSES FOR POLITICIANS REMAINING BEHIND THE SCENES. ALTHOUGH MOST OF THE "DINAMICOS" ARE PHILOSOPHICALLY CHRISTIAN DEMOCRATS, THEY CONTENT THAT THEIR FIGHT WITH THE GOC RESTS ON BREAD AND BUTTER TRADE UNION ISSUES. THE GOC REGARDS THESE CRITICAL UNIONISTS WITH THE SAME ANTIPATHY IT HOLDS FOR POLITICIANS GENERALLY -- MARXIST AND DEMOCRAT ALIKE.

20. THE BAN ON POLITICAL ACTIVITY HAS NOT DETERRED CHRISTIAN DEMOCRATS AND A CROSS SECTION OF RADICALS (AND EVEN SOME COMMUNISTS) FROM OPERATING, ALBEIT WITH DISCRETION AND IN THE FACE OF PERSISTENT GOVERNMENT HARASSMENT. DEPRESSED BY THE RESULTS OF THE JANUARY PLEBISCITE, THESE OPPONENTS (AS
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WELL AS POLITICIANS OF ALL STRIPES) TOOK HEART AT THE MARCH AND APRIL IMPROVEMENTS CHRONICLED ABOVE.

21. POLITICAL FREEDOMS: THE TRANSITION: IN EARLY APRIL PINOCHET ANNOUNCED WHAT AMOUNTED TO A SIGNIFICANT REVISION OF HIS JULY 1977 PLAN FOR A TRANSITION FROM MILITARY RULE TO "PROTECTED DEMOCRACY". HE SAID THAT RATHER THAN HAVING A SERIES OF INTERIM "CONSTITUTIONAL ACTS" PRIOR TO THE UNVEILING OF A NEW DRAFT CONSTITUTION (IN 1984-85), THE PROCESS WOULD BE CONSOLIDATED AND ACCELERATED. THE DRAFT CONSTITUTION WOULD INCLUDE CERTAIN TRANSITORY PROVISIONS AND WOULD BE MADE PUBLIC BY THE END OF MAY (A DEADLINE HE HAS JUST SLIPPED FOR NINETY DAYS -- SANTIAGO 3735). STUDIED BY THE COUNCIL OF STATE AND THE JUNTA, THE DRAFT WOULD GO BACK TO THE CONSTITUTIONAL COMMITTEE FOR POLISHING AND BE PRESENTED FOR FINAL JUNTA APPROVAL BY YEAR END AND SUBSEQUENTLY, TO A PLEBISCITE.

22. A FEW DAYS LATER CONSTITUTIONAL COMMITTEE CHAIRMAN ORTUZAR REVEALED THE ROUGH OUTLINES WHAT THE GOC HAD IN MIND (SEE SANTIAGO 2694). UNLIKE THE JULY 1977 PLAN, THE DRAFT APPARENTLY NOW PROPOSES DIRECT ELECTION OF THE PRESIDENT; A BICAMERAL LEGISLATURE WITH ONE-THIRD OF THE UPPER HOUSE ONLY TO BE DESIGNATED; AND THE CREATION OF A NEW "SECURITY ORGAN" WHICH WOULD DECIDE WHETHER INDIVIDUALS WERE VIOLATING "THE ESSENTIAL BASIS" OF PROTECTED DEMOCRACY. WHILE NEITHER ORTUZAR, NOR PINOCHET, EVER LAID OUT A TIMETABLE FOR IMPLEMENTING THE FULL TRANSITION, THEY HAVE LEFT THE IMPRESSION THAT THE PROCESS HAD BEEN AC-

CELERATED.

23. CHANGES IN THE CABINET: ON APRIL 14, PINOCHET ANNOUNCED
A MAJOR CABINET RESHUFFLE IN WHICH EACH OF THE FOUR ARMED
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SERVICES LOST ONE CABINET MEMBER AND A NEW CIVILIAN MINISTER
OF INTERIOR WAS TOUTED AS SOMETHING LIKE A PRIME MINISTER.
(SANTIAGO 2826). THE NATIONAL AND INTERNATIONAL REACTION TO
THIS MOVE WAS FAVORABLE AND GAVE FURTHER IMPETUS TO THE IDEA
THAT YET MORE CHANGES LAY AHEAD. IT IS TRUE, HOWEVER,
THAT ONE IMMEDIATE RESULT WAS TO INCREASE PINOCHET'S
PERSONAL CONTROL OVER THE CABINET. HIS APPOINTEES DO NOT
HAVE THE INSTITUTIONAL BACKING THAT THEIR OUSTED MILITARY
PREDECESSORS BROUGHT WITH THEM. IN FORMALLY ENTRUSTING
POLITICAL AFFAIRS TO CIVILIANS BEHOLDEN TO HIM (AS HE HAD
WITH THE ECONOMIC PROGRAM EARLIER), PINOCHET HIMSELF
TAKES ON MORE PERSONAL RESPONSIBILITY FOR THE SUCCESS
OF PROGRAMS MANAGED BY THESE CIVILIANS. AT THE SAME
TIME HE DRAWS FURTHER AWAY FROM THE REST OF THE JUNTA.

24. CONCLUSION: THE FIRST THIRD OF 1978 HAS SEEN A
NUMBER OF DRAMATIC GOV MEASURES TO IMPROVE ITS HUMAN
RIGHTS IMAGE. THESE MEASURES, IN COMBINATION WITH DE
FACTO PRACTICE, HAVE LED TO A SIGNIFICANT IMPROVEMENT
IN THE AREA OF THE RIGHTS OF THE PERSON AND CREATED HOPES
FOR A MAJOR LIBERALIZATION IN THE FIELD OF POLITICAL
FREEDOMS. THE OVERALL AMBIENCE HAS CHANGED FOR THE
BETTER. RECIDIVISM REMAINS A POSSIBILITY -- THE GOVERN-
MENT RETAINS THE MAJOR INSTRUMENTS IT EMPLOYED DURING
DARKER TIMES -- BUT WE BELIEVE THE CHANCES FOR SERIOUS
BACKSLIDING ARE NOW SMALL.
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